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DOCKET NO. 09CPN-14

2009 MAR 31 AM 11:03

TIDEWATER

UTILITIES INC.

Karen
Katie
Kevin
Deisha
Norma

Certificate of Public Convenience and Necessity Application

Sussex County

Novosel

TIDEWATER UTILITIES, INC.

"Southern Delaware's Premier Water Company Since 1964"

March 31, 2009

Mr. Kevin Neilson
Public Service Commission
861 Silver Lake Blvd.
Suite 100
Dover, DE 19904

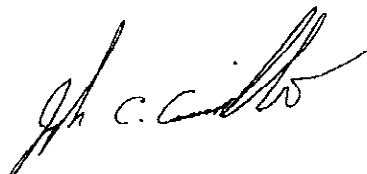
Re: CPCN Application –Novosel

Dear Mr. Neilson;

Enclosed you will find the CPCN application for Novosel area located in Sussex County, Delaware.

Two original and ten copies of the application have been included. A check payable to the Public Service Commission in the amount of \$300.00 has also been included for the application fee. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-734-7500 Ext. 1014.

Respectfully,



Joseph C. Cuccinello
CPCN Coordinator
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures
cc: Mr. Ed Hallock, DPH w/enclosures
cc: Ms. Katherine Bunting-Howarth, DNREC w/enclosures

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED
TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

Application Fee \$300 for filing each extension to a CPCN
 \$750 for filing each original application for new water utility 26 Del. C. §114(a)

This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

WATER UTILITIES: **Novosel**

1. Basis for application:

- ☐ a. Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
- ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
- ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
- ☒ d. The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
- ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.

3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of application.

4. (a.) Full legal name and address of Applicant:
Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, Delaware 19901
- (b.) Full name of the Utility's designated representative:
Joseph C. Cuccinello
Emily R. Opdyke
- (c.) Phone no: 302-734-7500 X1014 or X1012
- (d.) Fax no: 302-734-9297
- (e.) Email address: jcuccinello@Tuiwater.com or eopdyke@tuiwater.com

5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**

6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**

7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:

- (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
- (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
- (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
- (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.

9. Copies of petitions signed by landowners showing a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water. **Exhibit A**

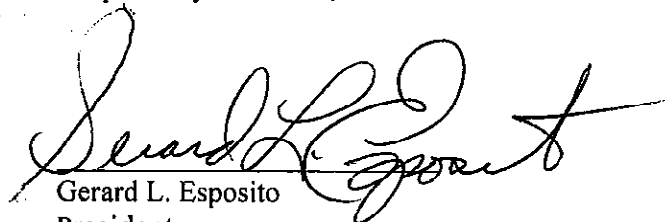
10. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, and Department of Natural Resources.

1.) The current status of such application is: **Sent**

(b.) The Applicant provides the following additional information with this application;

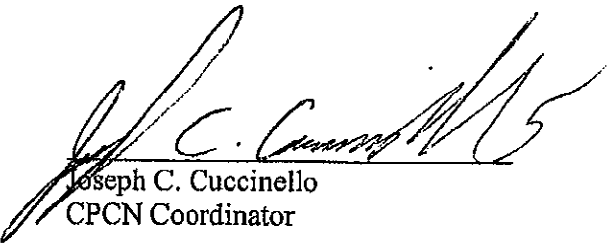
- 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
- 2.) A chart, which depicts the inter-company relationships, **On PSC File**
- 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
- 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**
- 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
- 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,


Gerard L. Esposito
President

Certification of Landowner Information Accuracy

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



Joseph C. Cuccinello
CPCN Coordinator

EXHIBIT A

PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC.
WATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that the majority of the property owners must sign this petition in order for Tidewater Utilities, Inc. to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties:

Tax Parcel Number(s) 2-34-6.00- 84.00

Owner's Signature(s): John M. Novosel Date: 1/29/09
Linda C. Novosel Date: 1/29/09

Date: _____

Owner's Name(s): John M. & Linda C. Novosel.

Title: _____

Company: _____

A-09-005
P-09-0025

PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC.
WATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that the majority of the property owners must sign this petition in order for Tidewater Utilities, Inc. to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties:

Tax Parcel Number(s) 2-34-6.00-85.00 (part of - See Deed)

Owner's Signature(s):

John M. Novosel

Date:

1/29/09

Linda C. Novosel

Date:

1/29/09

Date:

Owner's Name(s):

John M. & Linda Novosel.

Title:

Company:

A-09-005

P-09-0026

BK03586 000023237
FG00229

RETURN TO:

John M. Novosel and Linda Novosel
32043 Conleys Chapel Road
Lewes, DE 19958

Tax No.: p/o 2-34 6.00 85.00

PREPARED BY:
Tunnell & Raysor, P.A.
770 Kings Highway
Lewes, DE 19958
File No. TS15950/KJM

THIS DEED made this 10th day of June, 2008,

- BETWEEN -

JOSEPH A. STREET, of 20100 Robinsonville Road, Lewes, DE 19958 NINA NIRVA STREET of 15901 W. 20th Street, Miramar, FL 33027 and NINA NIRVA STREET, GUARDIAN OF ANDREW PHILIP STREET AND JASMYN NICHOLE STREET, UNDER ORDER IN THE COURT OF CHANCERY, OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY, BY MASTER GLASSCOCK, said Order attached hereto as Exhibit "A", dated May 23, 2008, parties of the first part,

- AND -

JOHN M. NOVOSEL and LINDA C. NOVOSEL, his wife, of 32043 Conleys Chapel Road, Lewes, DE 19958, as tenants by the entireties, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain tract, piece and parcel of land, situate, lying and being in Indian River Hundred, Sussex County, Delaware, State of Delaware, as shown on a Plot prepared by Coast Survey, Inc., December 6, 2007, filed for record in the Office of the Recorder of Deeds, in and for Sussex County, in Plot Book 120, page 251, and being more fully described as follows, to wit:

BEGINNING at an iron pipe with cap re-set, a corner for this parcel and being the northwest corner of other lands of the grantees (as recorded in Plat Book 113, Page 225)

000023237
BK03586 PG00230

which his located South 64 degrees 15 minutes 00 seconds West 1,395.66 feet along said lands of the grantees from an iron pipe recovered on the southwesterly right-of-way line of County Road #277 (50' wide); thence with said lands of the grantees, in part, South 31 degrees 37 minutes 00 East 990.00 feet to an iron pipe with cap re-set, a corner for this parcel and lands of "The Atkins Co." and along said lands of the grantees; thence turning and with said "Adkins" South 58 degrees 23 minutes 00 seconds West 612.23 feet to an iron pipe with cap set; thence turning and still running with said "Adkins", North 35 degrees 10 minutes 00 seconds West 1018.61 feet to an iron pipe with and cap set, a corner for this parcel and along said "Adkins" and being 33.73 feet southeasterly from an iron pipe recovered, a corner for Donald Daisey; thence turning and with 2 new division lines through lands of the grantors, North 72 degrees 03 minutes 47 minutes East 443.12 feet to an iron pipe with cap set and thence North 40 degrees 40 minutes 38 seconds East 256.92 feet to the point of beginning, containing 14.1378 acres, be the same more or less, as survey by Coast Survey, Inc., Land Surveying & Planning, December 6, 2007.

THIS property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

BEING a portion of the same lands conveyed to Joseph L. Street from Edgar M. Baylis and Nora E. Baylis, his wife, by Deed dated January 3, 1928, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on January 6, 1928, in Deed Book 268, Page 181

The said Joseph L. Street departed this life testate January 1, 1975 and his Will is file for record in the Office of the Register of Wills in Will Book 78, page 191. Under Item 1 of his Will he devise and bequeath this Tract unto his son Thomas E. Street, for and during the term of his natural life, and at his death to Thomas E. Street's children. Thomas E. Street had two children, Kerwin D. Street and Joseph A. Street.

The said Thomas E. (Evans) Street departed this life testate October 30, 2004, thereby extinguishing his life estate.

Under the terms of the Will of Joseph L. Street the property passed unto Joseph A. Street and Kerwin D. Street. The said Kerwin D. Street departed this life, intestate, February 1, 2002. Pursuant to Delaware intestate law his one-half interest in the property passes to his two minor children Andrew Philip Street and Jasmyn Nichole Street subject to the life estate of his surviving spouse, Nina Nirva Street.

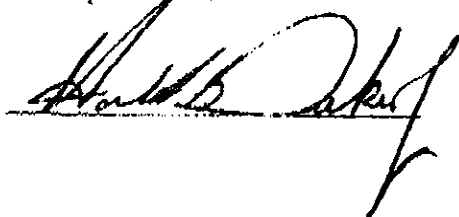
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BK03586 FG00231

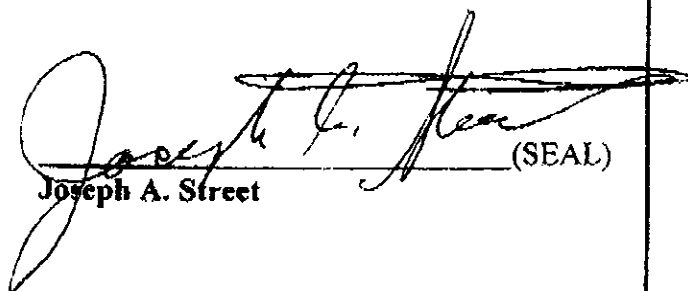
The said Nira Nirva Street, Guardian of the minor children, petitioned the Court to sell the property on behalf of Andrew Philip Street and Jasmyn Nichole Street. By Order dated May 23, 2008, the Court of Chancery, in and for Sussex County, at Georgetown, Delaware ordered the sale.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:



 (SEAL)
Joseph A. Street

STATE OF DELAWARE

:
: ss
:

COUNTY OF SUSSEX

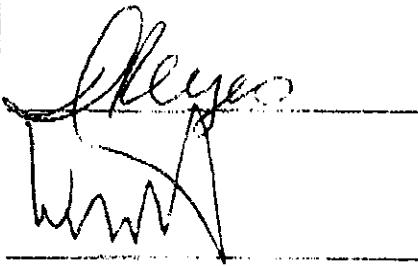
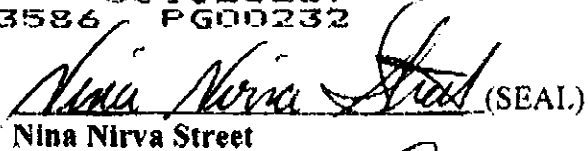
BE IT REMEMBERED, that on 10th day of June, 2008, personally came before me, the subscriber, Joseph A. Street, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

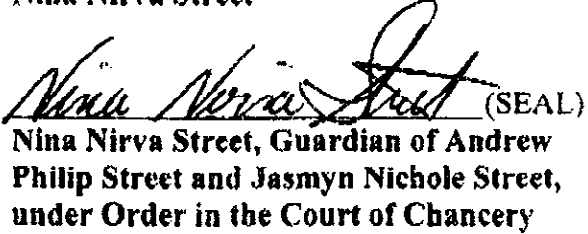
GIVEN under my Hand and Seal of Office the day and year aforesaid.

HAROLD E. DUKES, JR.
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 24 DEL. C SEC 4323 (A) 3


Notary Public

My Commission Expires: _____

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BK03586 PG00232

 (SEAL)
Nina Nirva Street

 (SEAL)
Nina Nirva Street, Guardian of Andrew
Philip Street and Jasmyn Nichole Street,
under Order in the Court of Chancery

STATE OF

: ss

COUNTY OF

BE IT REMEMBERED, that on 4 day of June, 20 08,
personally came before me, the subscriber, Nina Nirva Street and Nina Nirva Street,
Guardian of Andrew Philip Street and Jasmyn Nichole Street, party of the first part to this
Indenture, known to me personally to be such, and acknowledged this Indenture to be her
act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.


Notary Public
My Commission Expires: 7-15-2010

Karen J. Miller
Notary Public
State of Delaware
My Commission Expires Feb. 06, 2009

Consideration:		\$169653.60	Exempt Code: A
County	State	Total	
2544.80	2544.80	5089.60	
counter1	Date: 06/13/2008		

EXHIBIT B

TIDEWATER

UTILITIES, INC.

"Southern Delaware's Premier Water Company Since 1964"

Certified Mail Receipt # 7005 3110 0000 5448 1160

February 27, 2009

John M. & Linda Novosel
32043 Conleys Chapel Road
Lewes, DE 19958

Dear John M. & Linda Novosel :

Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, parcel number 234-6.00-84.00, 234-6.00-85.00 located in **Sussex** County.

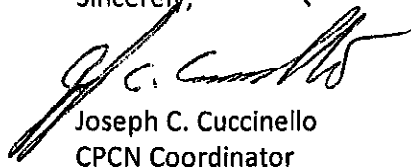
Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about **March 31, 2009**. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time.

Tidewater understands that customer satisfaction and quality water are the foundation of our business. In 2007 Tidewater was awarded the Torch Award by the Delaware Better Business Bureau for our Marketplace Ethics. Tidewater a part of Middlesex Water Company was recently named one of America's 100 most trustworthy publicly traded firms according to Audit Integrity, Inc. In addition, Tidewater was voted Best Tasting Water in 2007 by Delaware Rural Water Association.

If you have any questions in regards to this matter please feel free to contact me at 1-800-523-7224 ext. 1014.

Sincerely,



Joseph C. Cuccinello
CPCN Coordinator

LANDOWNER NOTIFICATION

In accordance with Delaware law and regulations of the Public Service Commission, the applicant, Tidewater Utilities, Inc. must show evidence that all landowners of the proposed territory have been notified by certified mail or its' equivalent of the filing of the application.

- (1) Pursuant to Title 26, § 203C(e) of the Delaware Code, an application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about **March 31, 2009**. In accordance with the petition you have recently signed, your properties have been included within an area Tidewater Utilities, Inc. intends to serve with public water and we are required to inform you of certain information. The area to be served is tax parcel number 234-6.00-84.00, 234-6.00-85.00 located in **Sussex County**, Delaware. If you agree to the inclusion of your property in the proposed service area, no action on your part is required.
- (2) Pursuant to current law, you may file an objection to receiving water service from Tidewater Utilities, Inc. Under Delaware law, the Public Service Commission cannot grant a CPCN to Tidewater Utilities, Inc. for the proposed service area, including your property, if a majority of the landowners in the proposed service area object to the issuance of the CPCN. If you object to receiving water service from Tidewater Utilities, Inc., you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of a completed application for a CPCN, whichever is greater.
- (3) Pursuant to current law, you may also elect to opt-out of inclusion in the proposed service area. The term "opt-out" means that you decide that you do not want to receive water service from Tidewater Utilities, Inc., even if a majority of the landowners in the proposed service area do elect to receive water service from Tidewater Utilities, Inc. If you do decide that you do not want to receive water service from Tidewater Utilities, Inc. and instead wish to opt-out, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.
- (4) You may also request a public hearing on this matter. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.
- (5) The written notice of your decision to object to the issuance of the CPCN, to opt-out of receiving water service from Tidewater Utilities, Inc., and/or your written request for a public hearing, shall be sent to the Secretary of the Public Service Commission at the address below.
- (6) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above and the name of the applicant so the Commission will be able to identify the CPCN application to which your notice is related.
- (7) Questions regarding objections, opt-outs, and hearings may be directed to:

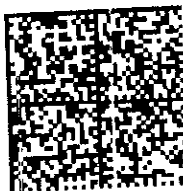
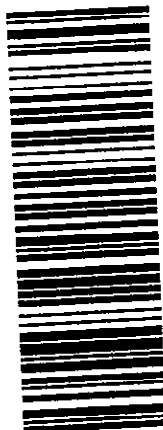
Commission Secretary
861 Silver Lake Blvd.
Suite 100
Dover DE, 19904
302-736-7500

CERTIFIED MAIL™

TIDEWATER UTILITIES, INC.

1100 South Little Creek Road
Dover, DE 19901

7005 3110 0000 5448 1160



017H15554788
\$5.322
02/27/2009
Mailed From 19901

US POSTAGE

Name _____

1st Notice _____

Notice _____

John M. & Linda Novosel
32043 Conleys Chapel Road
Lewes, DE 19958

NIXIE

197 SE 1

72 03/20/09

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 19901472700

*1127-00922-27-42



19901472700
19901472700

29-280
3/19
March 2
3/15

U.S. POSTAL SERVICE
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE-POSTMASTER

CERTIFICATE OF MAILING

Received From
Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, DE 19901

One piece of ordinary mail addressed to:

John M + Linda Novosel
32043 Conleys Chapel Rd
Lewes, DE 19958

PS Form 3817, Mar. 1989

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 2.70	270
Certified Fee	\$ 2.62	262
Return Receipt Fee (Endorsement Required)	\$ 0.00	000
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	000
Total Postage & Fees	\$ 5.32	532

John M & Linda C Novosel
32043 Conleys Chapel Rd
Lewes, DE 19958

PS Form 3800, June 2002

See Reverse for Instructions

EXHIBIT C

Exhibit C

FirstName1	LastName1	StreetNumber	City	State	Zip	Tax 1	A1	Tax 2	A2
John M. & Linda C	Novosel	32043 Conleys Chapel Road	Lewes	DE	19958	234-6.00-84.00	74.25	234-6.00-85.00	46.4

120.7